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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,641	12/05/2001	Dale Malik	36968/259823	8241

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EXAMINER	
DERWICH, KRISTIN M	

ART UNIT	PAPER NUMBER
2132	

DATE MAILED: 05/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/005,641	MALIK ET AL.	
	Examiner	Art Unit	
	Kristin Derwich	2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 February 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *05 December 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 16, 2006 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. Claims 1-11, 13-17, 19-23 and 25-27 rejected under 35 U.S.C. 103(a) as being unpatentable over Clark et al., U.S. Patent Number 6,442,588 (Clark) and further in view of Gross et al. (Gross), US Application No. 09/863,060.

Regarding claims 1, 3, and 19, Clark et al. disclose a method of blocking unsolicited email transmitted to a mail server at an ISP from a remote server, comprising:

receiving a user identification and password associated with a roaming customer (see column 5, lines 53-63; figure 4a, item 404);

retrieving a plurality of data associated with the roaming customer based on the USERID and password and authenticating the roaming customer using the retrieved data (see column 5, line 63 - column 6, line 25; figure 4a, item 410);

dynamically adding an IP address assigned to the roaming customer to a plurality of valid IP addresses associated with the ISP (see column 2, lines 34-56; column 4, lines 30-54; figure 4b, item 426);

in response to determining that the customer is associated with a valid IP address, logging the customer onto a mail server, wherein only the remote customer may access the mail server using the assigned IP address from the remote server (see column 6, lines 36-55; column 4, lines 46-58). Note that the prevention of unauthorized access to e-mail (column 4, lines 46-48) includes sufficient structure for blocking unsolicited e-mail transmitted to the mail server. The recited intended use of the preamble, blocking unsolicited e-mail, is not further addressed in the body of the claim and therefore does not distinguish over the disclosed structure of Clark.

Clark fails to teach a method that receives SMTP traffic from the customer and in response, determining, at the e-mail server, the e-mail server being configured to receive and maintain at least one e-mail, whether the customer is associated with a valid IP address. However, Gross discloses a method wherein a determination as to a valid IP address associated with the customer occurs at an SMTP server which is part of the e-mail server (paragraphs 0068-0073).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to make a determination of valid IP addresses associated with a customer at the email

server as taught by Gross in the e-mail system of Clark in order to validate that a customer has an appropriate IP address.

Regarding claim 2, Clark and Gross substantially teach claim 1 above, Clark further discloses receiving the USERID and password associated with the roaming customer to an authentication server and comparing the USERID and password against registered users of the ISP (see column 6, lines 16-25; figure 5); generating a positive response if the USERID and password match a registered user, and a negative response if the USERID and password do not match a registered customer (see column 6, lines 26-43); and receiving a START record indicating the beginning of the roaming customer's access to the mail server (see column 6, lines 44-55).

Regarding claims 6, 7, and 20, Clark and Gross substantially teach claim 1 and Clark further discloses logging off the remote customer by receiving a termination signal, transmitting the customer's USERID to the remote server, and receiving a STOP record that identifies the customer (see column 7, lines 23-34).

Regarding claims 9,10,11,15,16,17, 21, 22, and 23, Clark discloses a method of logging on a customer to an ISP comprising:

receiving a user command through an Internet device (see column 5, line 53 - column 6, line 25), authenticating the user through a USERID and password (see column 5, line 63 - column 6, line 25; figure 4a, item 410), generating a positive or negative response depending if

the customer is a registered user of the ISP (see column 6, lines 26-43), storing a data log of the customer's usage (see column 6, lines 44-55), connecting the roaming customer to the mail server using the IP address of the NAS (see column 4, lines 46-58), removing the IP address upon logging off (see column 7, lines 22-34).

Clark fails to teach a method that receives SMTP traffic from the customer and in response, determining, at the e-mail server, the e-mail server being configured to receive and maintain at least one e-mail, whether the customer is associated with a valid IP address and then forwarding the SMTP traffic to the recipient. However, Gross discloses a method wherein a determination as to a valid IP address associated with the customer occurs at an SMTP server which is part of the e-mail server (paragraphs 0068-0073).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to make a determination of valid IP addresses associated with a customer at the email server as taught by Gross in the e-mail system of Clark in order to validate that a customer has an appropriate IP address.

Regarding claims 13 and 14, Clark and Gross substantially teach a method as applied to claim 9 above, Clark further discloses data organized similar to TACACS and a USERID (see column 6, lines 3-16).

Regarding claim 25, Clark and Gross substantially teach a method as applied to claim 15 above and Clark further discloses forwarding the data log to the ISP's server (see column 6, lines 44-55).

Regarding claims 26 and 27, Clark and Gross substantially teach the method as applied to claim 15 above and Clark further discloses assigning an IP address to the roaming customer to access the mail server, and to a list of valid IP addresses from the NAS (see column 4, lines 46-64; column 6, lines 3665).

Regarding claims 4 and 5, although Clark discloses reading a START record, RELAY, and validating the IP address against the pool of valid IP addresses (see column 6, line 56 - column 7, lines 22), they do not disclose the request to send e-mail using the SMTP protocol or a timestamp. However, Gross discloses a method wherein a determination as to a valid IP address associated with the customer occurs at an SMTP server which is part of the e-mail server (paragraphs 0068-0073). Since SMTP is being used a timestamp is being read since SMTP utilizes timestamps within the protocol.

Regarding claim 8, Clark does not disclose determining if the customer sent unauthorized email messages, but Gross, in a similar field of endeavor, discloses determining if the customer sent unauthorized email messages by checking to ensure there was a corresponding e-mail address for the e-mail address containing the non-ICANN compliant TLD (paragraph 0071). In light of the teachings of Gross, it would have been obvious to one of ordinary skill in the art to have checked for unauthorized messages to ensure that invalid sender or recipient e-mails do not receive a compliant TLD extension and thus get sent.

It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize SMTP to provide the customer with a standard way of sending e-mail. It would have been obvious to make a determination of valid IP addresses associated with a customer at the email server as taught by Gross in the e-mail system of Clark in order to validate that a customer has an appropriate IP address.

2. Claims 12,18, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark et al. in view of Gross, as established above, and further in view of Amin et al., U.S. Patent Number 6,854,014.

Regarding claims 12,18, and 24, Clark and Gross substantially teach claim 9 above and Clark further discloses providing a record and log, It comprises an IP address, a protocol, a framed protocol, a user name, a called station ID and calling station ID, and account status type and account authentication, a service type, and relay to the mail server (see column 4, lines 46-64; column 6, lines 44-65). However, Clark and Gross do not specify an account session ID, and account delay time, and a start timestamp. Nevertheless, including these in a START record was well known in the art at the time of the invention. Exemplary of this is Amin et al. who disclose, in a similar field of endeavor, a start record of authentication which includes, among other things, an account session ID, timestamp, account delay time, service type, authentication, and account status type (see column 19, lines 35-60; column 21, line 51- column 22, line 20). In light of the teachings of Amin et al. it would have been obvious to one of ordinary skill in the art at

the time of the invention to have modified the method of Clark and Gross to include these attributes to record relevant accounting information relating to the session.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristin Derwich whose telephone number is 571-272-7958. The examiner can normally be reached on Monday - Friday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kristin Derwich
Examiner
Art Unit 2132

KMD
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